

Barrow Drainage Bill.

MEMORANDUM.

The First Report of the Royal Commission on Public Works in Ireland states that the upper portion of the catchment area of the River Barrow, extending down to Athy, contains an area of 408,000 acres, of which 48,000 are flooded or injured by floods. A.D. 1886.

The Report proceeds to state that, "The basin of the upper Barrow suffers more from floods than any other part of Ireland. As shown in the figures given above, the proportion which the lands flooded and injured bears to the whole catchment area is exceptionally high, the length of time during which large tracts are covered with water is often considerable, and there are several low lying towns within the limits of the river basin which suffer both directly and indirectly from inundations. Altogether, the condition of the district may be described as "deplorable."

The Royal Commission recommend works which may be described in general terms as the removal of obstructions, the deepening of the channel of the river and its tributaries in certain places, the construction of sluices at the navigation weirs, and the formation of embankments, set back from the edge of the channel, and with back drains at both sides. Their approximate estimate of the cost of the works was 354,254*l*.

The Bill proposes to carry out these recommendations in the following manner:—

It proposes that a Commission shall be constituted, consisting of the four members of the Royal Commission of 1886. It shall be their duty to define the catchment area of the river; to draw up a scheme for the election of a Conservancy Board, and to lay before that Conservancy Board, when constituted, the plans of the works; the particulars of the lands to be specially benefited; an estimate, or scheme, declaring the liability which will have to be borne by the occupiers of those lands, and by the county cess of those baronies and townlands which the Commission are of opinion ought to con-

[Bill 813.]

A.D. 1888. tribute, as being within the catchment area of the river; and generally, to put the Conservancy Board in possession of all the information requisite for enabling them to decide whether the works are to be undertaken.

The Conservancy Board is to consist of persons nominated by the boards of guardians of the unions within the catchment area; and of persons elected by the occupiers of lands which will be specially charged; and of persons representing the towns in the district having town commissioners; together with one representative of Government, who shall be a member of the board, but without a vote.

The persons elected by the occupiers of lands specially charged will constitute three-fourths of the Board.

The Conservancy Board may reject the scheme proposed for their adoption; if so, power is taken to hold a second election for a new Conservancy Board. If the new board also rejects the scheme, the Act lapses.

If the Conservancy Board, representing the several interests above mentioned, are in favour of the works being proceeded with, then, but not otherwise, the Commission may commence to execute them. The Commission will be furnished with funds by means of advances made from time to time by the Government. The estimated cost of the works has been raised to 360,000*l.*, of which it is estimated that 125,000*l.* can be charged upon the lands and buildings specially benefited, in the form of an annual charge of 4*l.* 10*s.* for every 100*l.* advanced by Government, payable for a term of 40 years, amounting to 5,625*l.* per annum. The annual maintenance charge upon these same lands will come to about 3,475*l.*, making in all an annual charge of 9,100*l.*

20,000*l.* is proposed to be charged upon the county cess of the baronies and townlands within the catchment area of the river; payable by a like charge; to be presented by the grand juries at each assizes. The share of the maintenance charge to be defrayed out of county cess will be about 600*l.* a year, making, with the capital charge, an addition of about a penny in the pound on the valuation of the parts of the counties within the catchment area. The residue of the cost of the works, not exceeding 215,000*l.*, will be supplied as a free grant from moneys voted by Parliament.

The charge upon the county cess will commence from the date of each advance. The charge upon the special districts will commence when all the advances have been made.

If during the progress of the works it is found expedient to abandon or vary any part of the scheme as shown in the plans,

power may be given, by Order in Council, to the Commission to do so. But if for the purposes of such variation it would be necessary to acquire any land in addition to what the Bill authorises the Commission to take under the Lands Clauses Acts, then the Order in Council is to be a provisional order, requiring confirmation by Parliament, if petitioned against. A.D. 1881

To prevent a conflict of authorities, the Bill proposes, as the Royal Commission recommended, that the powers of the Barrow Navigation Company over the river, and the channel and banks, shall cease as regards the portion of the river to be dealt with by the Commission. But the Commission, and afterwards the Conservancy Board, shall be bound to maintain in the channel of the river a navigable depth of four feet, wherever that depth at present exists, between Athy and Clogrenan Castle below Carlow. And the navigation company shall retain their present rights of navigation, and the right to receive tolls; and shall contribute towards the cost of maintaining the channel a sum equal to their average outlay for the like purpose during the last ten years.

The Bill proposes that the existing drainage boards in the catchment area shall cease to exist. Their duties will be transferred to the Commission, and afterwards the Conservancy Board, who will become liable to pay off the debts due by them to the Commissioners of Public Works, for advances made for the construction of the works. The charges upon lands at present collected by these drainage boards will continue, and will be collected by the Commission, and afterwards by the Conservancy Board. When the works are completed, they will be handed over to the Conservancy Board for maintenance.

Barrow Drainage Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Constitution of Commission.
 3. Duties of the Commission.
 4. Constitution of the Conservancy Board.
 5. Decision of Conservancy Board as to proceeding with works.
 6. Works authorised for purposes of Act.
 7. Provision of money for works.
 8. Charge for repayment of advances.
 9. Charge on holdings.
 10. A draft award to be printed and published, and a copy deposited with the clerk of the union.
 11. Examination into objections.
 12. Lands to become chargeable with rentcharge.
 13. Payment and recovery of annuity charged on holdings.
 14. Priority of rentcharge.
 15. Rentcharge upon other lands of the same occupiers.
 16. Incorporation of certain sections of 10 Vict. c. 32. for recovery of rentcharge.
 17. Maintenance of works.
 18. Power to Lord Lieutenant to enforce maintenance of works.
 19. Recovery of annuity and maintenance expenses from grand jury.
 20. Borrowing powers for emergency in maintenance.
 21. Enrolment of award.
 22. Interest from date of advance to commencement of annuity.
 23. Regulations as to purchase of land.
 24. Power to enter upon and purchase land, and execute works.
 25. Incorporation of certain provisions of 8 & 9 Vict. c. 20.
- [Bill 313.] b

Clause.

26. Certain provisions of 10 & 11 Viet. c. 16. incorporated.
27. Accounts and audit.
28. Variation of works authorised by means of provisional order.
Taking of additional lands.
29. Provisional order may vary scheme.
30. Power to authorise occupiers to construct drains.
31. Removal and rebuilding of bridges.
32. Power to make byelaws.
33. Penalty for obstructing Commission or Board.
34. Protection of persons acting under Act.
35. Removal of disqualification of justices.
36. Saving of existing liabilities to repair.
37. Transfer of maintenance of navigation from Barrow Navigation Company to Conservancy Board.
38. Curtailment of certain proposed work in Queen's County.
39. Dissolution of existing authorities and transfer of property, &c. to Board.
40. Status of Conservancy Board, as in schedule.
41. Definitions.

SCHEDULE.

A
B I L L

FOR

The Improvement of the Drainage of Lands and for the A.D. 1888.
Prevention of Inundations within the catchment area of
the River Barrow, and for other purposes relating thereto.

WHEREAS lands adjoining the River Barrow and the tributaries thereof are exposed to floods and to damage arising therefrom, and it would be of great public and local advantage if certain embankments and other works were constructed and executed for the relief of those lands :

And whereas the channel of the River Barrow from Athy to Clogrenan Castle below Carlow is, with other parts of the river, vested in and maintained for the purposes of navigation by the Barrow Navigation Company, by virtue of a Royal Charter granted in the year one thousand seven hundred and ninety :

And whereas it is expedient that a Board, representing the various interests concerned, should be constituted with power to execute such works as herein-before mentioned, and maintain the same when completed; and that such Board should also, in lieu of the Barrow Navigation Company, be entrusted with the maintenance of the channel of the said river between Athy and Clogrenan Castle below Carlow, without prejudice, however, to the powers of the said company as to the conveyance of traffic or receipt of tolls; and that the powers of any other existing corporation or body of persons constituted under any Act of Parliament with reference to the arterial drainage of land within any part of the said catchment area, should be transferred to the Board :

And whereas duplicate plans and sections of the proposed embankments, and plans of the lands and property which may be acquired for the purposes of this Act, and a book of reference containing the names of the owners and lessees, or reputed owners

[Bill 313.]

A

A.D. 1888. and lessees, and of the occupiers of the same lands and property (all which plans, sections, and book of reference are herein-after referred to as the deposited plans and book of reference), have been deposited with the clerks of the peace of the several counties and the clerks of the several poor law unions in which such embank- 5 ments are intended to be constructed and such lands and property are situate :

And whereas the total cost of the works proposed for the purposes of this Act, as estimated, will amount to about three hundred and sixty thousand pounds, and it is expedient to provide funds for 10 defraying the said cost, and also to make provision for defraying the expenses of maintaining the works when executed, and of maintaining the navigable channel of the said river as aforesaid :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 15 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as the Barrow Drainage Act, 1888.

Constitution of Commission. 2. The following persons shall be constituted a Commission for the purposes of this Act, that is to say, Sir James Joseph Allport, 20 Knight; James Abernethy and John Wolfe Barry, Esquires, Civil Engineers; and Joseph Todhunter Pim, Esquire. The Commission shall be styled the Barrow Commission, and shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without 25 license in mortmain.

Duties of the Commission. 3. The Lord Lieutenant may, if he thinks it necessary, appoint a fit and proper person to fill any vacancy occurring from time to time amongst the members of the Commission :

(1.) The Commission shall ascertain and declare what are the 30 local limits of the catchment area of the River Barrow, down to and inclusive of the Burren River.

(2.) They shall prepare a scheme, charging a sum of *one hundred and twenty-five thousand* pounds, being a portion of the estimated cost of the proposed works, upon lands for the 35 special benefit of which the proposed works are designed, and charging a sum of *twenty thousand* pounds upon the county cess of those baronies and townlands which are situated within the catchment area.

They shall divide the lands for whose special benefit the 40 proposed works are designed into districts (referred to in this Act as special districts), of such number and extent as they

think best, and shall charge a gross sum upon each special district, and shall also specify in their scheme—

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- (a) the lands comprised in the special districts, and the nature and extent of the works properly chargeable to them respectively. In this section and elsewhere in this Act the term "land" includes a house;
- (b) the persons occupying or reputed to occupy those lands, and the portion of land occupied by each;
- (c) the annual value of the lands before the execution of the works, and the estimated increase in their value resulting from the proposed works;
- (d) the gross amount to be charged on the said lands, and;
- (e) all such other matters and things as the Commission think proper.

The sum to be charged upon the county cess of baronies and townlands shall be apportioned between them by the Commission, according to their respective valuations.

As between the counties liable to contribute and the special districts, the apportionment indicated in the scheme shall be final.

(3.) The Commission shall prepare a scheme for the establishment and constitution of the Barrow Conservancy Board.

(4.) The Commission shall prepare such further information concerning the proposed works and the charge therefor, and all other matters, as may be necessary for enabling the Conservancy Board, when constituted, to determine the expediency of undertaking the works authorised by this Act.

The Commission shall not have power to undertake any works until they have obtained the assent of the Conservancy Board. They may, with the consent of the Treasury, employ such engineers, officers, and clerks as may be necessary to enable them to discharge the duties imposed upon them by this Act. *The Commissioners of Public Works in Ireland (herein-after referred to as the Commissioners of Public Works) may from time to time advance to the Commission, out of moneys to be voted by Parliament, such sums as the Treasury may sanction.*

4. The Barrow Conservancy Board, as constituted by the Commission, shall consist of members representing the Poor Law Unions in the catchment area, nominated by the boards of guardians of those unions; and members representing the occupiers of lands in the special districts, elected by such occupiers; and members representing the towns having town commissioners, within the catchment area, nominated by the town commissioners

Constitution
of the Con-
servancy
Board.

A.D. 1888. of those towns; and one member to be appointed from time to time by the Lord Lieutenant; who shall not be entitled to vote, but shall in other respects have the same position as other members of the Board.

The number to be nominated by the boards of guardians and town commissioners shall be such as the Commission think proper, and taken together they shall constitute one fourth of the Board. If the numbers of the Board are not equally divisible by four, the Commission shall take the next lower number which is so divisible; and the nominated members taken together shall constitute one fourth of such lower number. The remainder of the Board shall be constituted by the members representing the occupiers of land in the special districts, and the member appointed by the Lord Lieutenant.

The scheme of the Commission shall make provision as to the time and mode of nomination by the boards of guardians and town commissioners.

A Poor Law Union shall be deemed to be situated within the catchment area, if the greater part in value of the union is within the area.

The elected members shall be elected in the manner provided by the scheme, by the occupiers of land within the special districts; and each elector shall be entitled to vote according to the scale contained in the eighty-first section of the Act of the session of the first and second years of the reign of Her present Majesty, chapter fifty-six, as amended by any other Act or Acts, as if the special district were a Poor Law Union.

The persons qualified to vote shall be all persons appearing in the grand jury applotment books as liable to pay grand jury cess in respect of the occupation of any rateable hereditament within the limits of any special district.

If the Commission determine that the election shall be by voting papers, the Commission may make regulations for the distribution and collection of the voting papers, and the verification and counting thereof, and for all other matters appearing to them necessary or proper for taking such vote. Secretaries of grand juries and collectors of grand jury cess shall supply such information to the Commission for enabling them to take a vote as they may require. The Royal Irish Constabulary shall give such service and assistance to the Commission in the distribution and collection of voting papers as the Inspector General may order.

If any person shall knowingly and fraudulently tender a vote which he is not entitled to give, or shall forge, falsify, or knowingly

and fraudulently alter after signature any voting paper, or shall knowingly tender or forward any such voting paper, forged, falsified, or altered as aforesaid, or shall without lawful reason suppress, carry off, destroy, or deface any voting paper after it has been issued to a voter, he shall be guilty of an offence, and may be prosecuted in a summary manner, and shall on conviction be liable to a penalty not exceeding *twenty pounds* or to imprisonment with or without hard labour for a term not exceeding *three months*.

The decision of the Commission as to the right of any person to vote, also as to the validity of any voting paper, and as to the result of the voting, shall be final.

The vote shall not be invalid by reason of any error or omission, or thing done, in or about the taking of it, unless the Commission think it expedient to quash the vote by reason thereof, and to proceed to a fresh vote.

The ordinary term of office of a member of the Conservancy Board shall be six years; and the scheme shall provide that one third, or such other proportion as may be as near to one third as possible, of the members of the Conservancy Board representing the occupiers of lands in the special districts, and one third, or such other proportion as may be as near to one third as possible of the other members of the Board, shall retire at the expiration of successive periods of two years. The scheme shall make provision for determining the persons who are to retire at the end of each of the first three biennial periods after the constitution of the Conservancy Board. This provision shall not apply to the member of the Board nominated by the Lord Lieutenant.

The Commission may by the scheme make rules relative to the time and place and mode of election of the elected members of the Conservancy Board, and as to the returning officer, and his powers and duties, and for notices, and generally for all purposes relating to the elections of members of the Conservancy Board; and also relative to the time and place, and summoning of meetings of the Conservancy Board, and the quorum, and the appointment of chairman, and relative to committees of the Board, and the keeping of minutes, and generally for the transaction and management of the business of the Conservancy Board.

The Conservancy Board when constituted may from time to time, with the sanction of the Lord Lieutenant, repeal, amend, or add to the rules made by the scheme of the Commission.

The Conservancy Board shall be a body corporate, with perpetual succession and a common seal, and with a power to sue and be sued, and to take and hold land without license in mortmain.

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They may appoint or employ an engineer, and such other officers and persons as may be necessary for the execution of the duties imposed on the Board by this Act.

Decision of
Conservancy
Board as to
proceeding
with works.

5. The Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works in accordance with the deposited plans, subject to the power of varying the same by means of a Provisional Order, as herein-after provided. If the Board resolve that the Commission shall not proceed with the proposed works, that Board shall forthwith be dissolved, and their powers under this Act shall be at an end. If that event happens, any twenty or more occupiers of land within the catchment area, valued at not less in the aggregate than one thousand pounds, may, within a period of two years, require the Commission to proceed to institute fresh elections and nominations in the manner aforesaid, and the second Conservancy Board when constituted may, if they think it expedient, after due examination, resolve that the Commission may proceed with the proposed works in accordance with the deposited plans, subject to the power of varying the same by means of a Provisional Order, as herein-after provided. If such second Conservancy Board resolves that the Commission shall not proceed with the proposed works, then the Conservancy Board and the Commission shall be dissolved, and the powers of executing such works granted by this Act shall be at an end.

Works
authorised
for purposes
of Act.

6. In order to carry into effect the purposes of this Act, the Commission may construct the embankments and works shown in the deposited plans, subject to the power of varying the same by means of an Order in Council, as herein-after provided; and may also within the catchment area—

- (a) deepen, widen, straighten, embank, and otherwise improve any watercourse or outfall for water, and remove any milldam, navigation weir, fish weir, sluice, or other obstruction to any watercourse or outfall for water, and raise, widen, and otherwise alter any wall, embankment, milldam, navigation weir, fish weir, eel weir, sluice, or any dam or defence against water; and
- (b) make any new watercourse or outfall for water, and erect any new embankment, dam, weir, sluice, or defence against water, and fill up or re-open any disused watercourse; and
- (c) regulate, control, and alter the water level of any watercourse; and

(d) temporarily stop the navigation in any watercourse; and

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(e) erect any machinery and do any acts and things necessary or proper for effecting the above-mentioned purposes or any of them.

5 Save as provided in this Act, the Commission shall not incur liability to make compensation for anything done by them in exercise of their powers under this section.

7.—(1.) The cost of the works to be executed for the purposes of this Act shall be defrayed in the following manner; (that is

Provision of money for works.

10 to say.)

(a.) *A part of the cost shall be defrayed out of money provided by Parliament as a free grant, to an amount not exceeding in the whole two hundred and fifteen thousand pounds;*

15 (b.) The Commissioners of Public Works in Ireland may from time to time, with the consent of the Treasury, out of money at their disposal for the purpose of loans, make advances by way of loan for the purposes of this Act to an amount not exceeding in the whole *one hundred and forty-five thousand pounds* on the securities hereafter in this Act mentioned;

20 Of the sum of one hundred and forty-five thousand pounds, *one hundred and twenty-five thousand pounds* shall be charged upon the special districts, and *twenty thousand pounds* upon county cess.

Every sum from time to time appropriated for the purpose of defraying any part of the cost of the said works shall be so provided and advanced partly by way of grant and partly by way of

25 loan, in the proportions which the above-mentioned amounts bear to one another.

(2.) Advances on account of the said grant and loan may be made from time to time to the Commission in such manner

30 and on such conditions respecting the works to be executed, and the mode and order of executing the same and otherwise, as the Lord Lieutenant with the sanction of the Treasury may prescribe.

8. When from time to time an advance by way of loan is made

Charge for repayment of advances.

35 by the Commissioners of Public Works in pursuance of this Act, the repayment thereof shall be a charge upon the county cess of the baronies and townlands liable to contribute to such repayment, and upon the lands situated in the special districts, according to the proportions prescribed by the scheme of the Commission; which

40 charges respectively shall commence to be paid at the times provided by this Act.

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From the date of each advance the county cess of the said baronies and townlands shall be charged with the payment to the Commissioners of Public Works of an annuity of *four and a half* per cent. on the proportion of the advance specified in the scheme to be charged on the county cess of those baronies and 5 townlands respectively; and the annuity shall be payable for *forty* years, and shall be paid by equal half-yearly payments on such days as may be specified in the scheme.

The annuity shall be paid by means of an addition to the county cess levied from time to time in the said baronies and townlands. 10

Charge on holdings.

9. When directed by the Treasury, on or before the completion of the works, the Commission shall prepare a draft award, in which they shall set forth the several parcels or portions of land in the special districts drained and improved, and the original and increased values thereof; and such award shall also specify the due proportion chargeable in respect of each such parcel of land, of the amount 15 by this Act directed to be charged upon the lands in the special districts, and shall also specify any other lands held by the same occupiers, to be also held chargeable, with the amount in each case repayable as herein-after provided, and shall also set forth such other 20 matters and things as to the Commission shall seem fit and proper.

A draft award to be printed and published, and a copy deposited with the clerk of the union.

10. When such draft award as aforesaid shall have been prepared, the Commission shall cause a copy thereof to be deposited with the clerk of each of the several unions wherein the lands drained and improved, or any part thereof, may be situated; 25 and such clerks of unions are hereby authorised and required to receive the same; and the Commission shall cause notice of such lodgment to be inserted in one or more of the newspapers usually circulated in the counties or districts in which such several unions are situated once in each week for three successive 30 weeks; and the Commission shall also in each notice require all persons being occupiers or proprietors of lands charged as being improved, who may desire to object to such award, to lodge their objections at each time and place as shall be therein specified, and they shall also in the said notice state that some person acting for 35 them will proceed to hear and inquire into any objections which may be lodged at such time and place, or times and places, as shall in each notice be named.

Examination into objections.

11. The Commission or one of them, or some fit and proper person appointed by the Commission, shall attend at such time and place, 40 or times and places, so appointed, and shall examine into the matter of any objections to the award which shall have been lodged, and

shall hear all proper evidence relative thereto, and may adjourn such attendance from time to time, and shall make such alteration as may to them or him seem proper, and finally settle the said award: Provided always, that the whole amount, together with interest at *three and a quarter per cent.* on advances made during the execution of the work, by this Act directed to be charged on the lands in the special districts, shall, notwithstanding any alteration which on the hearing of any such objections it may be deemed proper to make, be so charged.

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- 10 12. The several lands mentioned in the said award shall from the date thereof become charged with the payment to Her Majesty of an annual rentcharge of *four pounds ten shillings* for every one hundred pounds charged on the said lands respectively, and so in proportion for every lesser amount, to be payable for the term of
15 *forty years*; such rentcharge to be paid by equal half-yearly payments on the *first day of May* and *first day of November* in every year, the first of such payments to be made on the first of such days which shall happen after the date of said award.

Lands to become chargeable with rentcharge.

- 20 13. Any sum from time to time due on account of the annuity charged upon a portion of land shall be payable by the person or persons occupying the premises at the time the payment is demanded, although such person or persons did not occupy the same at the time such sum became due, provided that no proceedings shall be commenced for the recovery of any sum in arrears
25 against any person not primarily liable to pay the same after the expiration of *two years* from the date when such sum became due.

Payment and recovery of annuity charged on holdings.

- The annuity or any part thereof may at any time be redeemed by the person for the time being liable to pay the same on such terms as may be agreed on by the Commissioners of Public Works
30 with the consent of the Treasury.

Any annuity payable under this Act shall be paid to the Commissioners of Public Works, or to such persons and in such manner as the Treasury may from time to time appoint.

- Without prejudice to other remedies, the annuity shall be recoverable by the Commissioners of Public Works in manner in which rentcharges in lieu of tithes are recoverable in Ireland, subject to this qualification, that the Civil Bill Court shall have jurisdiction to hear and determine cases where the amount claimed does not exceed fifty pounds; and a certificate of the Commissioners of
40 Public Works, purporting to be signed by one of them or by their secretary, shall, until the contrary is proved, be evidence that

A.D. 1888. the amount of any annuity or arrears of annuity stated therein to be due under this Act from any person named therein is due to the Commissioners of Public Works from that person.

A portion of land situated within a special district, and chargeable for that reason, shall not, in consequence of its being so chargeable 5 be exempt from grand jury cess assessed in pursuance of this Act.

Priority of
recharge.

14. Every such annuity charged upon lands shall take priority of all charges and incumbrances whatsoever and whensoever made, and of all rent payable out of the said lands, save and except quitrents and recharges in lieu of tithes, and also save all charges 10 prior in date (if any) created under the authority or provisions of any Act of Parliament heretofore passed.

Recharge
upon other
lands of the
same occu-
piers.

15. The annuity aforesaid, charged by virtue of this Act upon any lands improved under this Act, shall be held to be chargeable upon such other lands held by the same occupier, as may, by the 15 award of the Commission, be made chargeable therewith.

Incorporation
of
certain
sections of
10 Vict. c. 32,
for reco-
very of re-
charge.

16. The thirty-ninth, fortieth, forty-ninth, fiftieth, fifty-second, and fifty-third sections of the Act tenth Victoria, chapter thirty-two, being an Act to facilitate the improvement of landed property in Ireland, as amended by any other Act, shall be deemed to be 20 incorporated in this Act, save that every act in any of said sections directed to be done by or to the Paymaster of Civil Service shall be done by or to the Commissioners of Public Works, and shall be as effectual to all intents and purposes as any such act would have been if done by or to the Paymaster under the provisions 25 of the said last-mentioned Act. In the said sections references to an owner of lands shall be construed as if they were references to the occupier of such lands.

Maintenance
of works.

17.—(1.) On the completion of the works, or when directed by the Lord Lieutenant, the Commission shall, by order under their 30 Seal, declare that the works executed under this Act, also any other drainage works formerly belonging to any other corporation or drainage board in the catchment area, and transferred to the Commission by virtue of this Act, with all land, ways, rights, and appurtenances thereto belonging, shall be transferred to the Con- 35 servancy Board, and the same shall vest in the Conservancy Board. It shall be the duty of the Conservancy Board to maintain and keep in repair the works executed under and for the purposes of this Act, and all works executed for the like purposes within the catchment area before the passing of this Act, 40 when such works respectively become vested in them, and the

Board may with that object from time to time cleanse, repair, enlarge, and otherwise place and maintain in a due state of efficiency any watercourse or outfall for water, or any wall, embankment, or other defence against water, or do any other act for the purpose of maintaining in a due state of efficiency any work required to be so maintained for any of the said purposes.

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(2.) Any amount from time to time certified by the Board to be required to meet the expenses of the maintenance and repair of the said works shall, so far as they are for works executed before the passing of this Act, be charged in the same manner as if this Act had not been passed; and so far as they are for works constructed under this Act be apportioned between the county cess of the baronies and townlands chargeable under this Act and the lands specially benefited, and be charged thereon respectively in the same proportions as the capital money expended upon the construction of the same works.

(3.) The maintenance charge payable out of lands specially benefited shall be payable to and be collected by the Commissioners of Public Works, in the same manner as the annuity charged upon such lands, and the Commissioners shall have the same power of recovering a sum due for maintenance charge, and their certificate in relation thereto shall have the same effect as if such sum were part of the said annuity. The Commissioners of Public Works shall from time to time account to the Conservancy Board for the net amount collected by the Commissioners on account of maintenance charge, in such manner as the Treasury may direct.

(4.) Sums may be from time to time charged under this section, either prospectively for the payment of future expenses, or retrospectively for the payment of expenses incurred at any time within *six months* before such sums respectively are certified by the Conservancy Board to be required.

18.—(1.) The Lord Lieutenant shall from time to time cause inspection to be made by some engineer or other competent person of any works which the Conservancy Board are required, in pursuance of this Act, to maintain and keep in repair, and if it appears from the report of the person so appointed that any such works have not been maintained in good order and repair, so as in the opinion of the Lord Lieutenant to be fit and proper for their intended purposes, or that any breach or damage has occurred to any embankment or other work maintainable by the Conservancy Board, the Lord Lieutenant may cause a notice to be served on the Board

Power to Lord Lieutenant to enforce maintenance of works.

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calling upon them to execute such works of repair and maintenance as in the opinion of the Lord Lieutenant the circumstances of the case render necessary (the nature of which works shall be stated in the notice) within such period as is therein mentioned, and informing them that in default thereof such works will be executed by the Lord Lieutenant pursuant to the provisions of this Act.

(2.) In case such works are not executed in accordance with the terms of the notice, the Lord Lieutenant, with the sanction of the Treasury, may cause all such works of repair and maintenance as he may consider necessary to be executed, and for that purpose, and for the purpose of certifying and obtaining payment out of the county cess and from the special districts of the costs from time to time incurred by him in relation to the said works, the Lord Lieutenant shall possess all the powers exercisable under this Act by the Conservancy Board.

Recovery of
assess and
maintenance
expenses
from grand
jury.

19.—(1.) For the purpose of recovering from the grand jury of any county any sum payable to the Commissioners of Public Works or the Conservancy Board or the Lord Lieutenant out of the county cess of that county in pursuance of this Act, the Commissioners of Public Works or Conservancy Board or the Lord Lieutenant (as the case may be) may from time to time send to the secretary of the grand jury of such county a certificate specifying the amount to be levied in any part of such county in respect of the said sum; and, in case the sum so specified in any such certificate is payable by instalments, the certificate shall also specify the number of instalments and the amount of each instalment payable by any part of the county.

(2.) Any such certificate shall, until the contrary is proved, be evidence of all matters necessary to authorise the making of it.

(3.) A certificate of the Lord Lieutenant purporting to be signed by the Chief or Under Secretary, and a certificate of the Commissioners of Public Works or the Conservancy Board purporting to be signed by the chairman of such Commissioners or Board respectively, or by the secretary of such Commissioners or Board respectively, shall be admissible in evidence.

(4.) Upon any such certificate being sent to the secretary of the grand jury, the grand jury at the next and every succeeding assizes, until the sum therein specified as aforesaid has been fully paid, shall, without any previous proceeding at any presentment sessions, present any amount for the time being due or falling due before the then next assizes on account of the said sum as

specified in the said certificate; and if the grand jury make default in presenting such amount as aforesaid the judge of assize shall order the amount to be raised, and the order shall have the force of a presentment, and the amount shall be apportioned and raised and levied accordingly, as if the same had been inserted in a presentment duly made at such assizes.

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(5.) The secretary of the grand jury shall, within *one month* after the date of any such presentment or order as aforesaid, send notice thereof to the Commissioners of Public Works or Conservancy Board or to the Lord Lieutenant (as the case may be).

20. If the Local Government Board are satisfied that the cost of repairing any unusual damage to the works, or any unusual expense for maintenance, should be spread over more years than one, they may authorise the Conservancy Board to borrow for maintenance or repairs; and the Conservancy Board shall have the like powers of borrowing upon the security of the rates or funds applicable under this Act for maintenance as if they were a sanitary authority, and the maintenance or repairs were sanitary purposes; and the enactments of the Public Health, Ireland, Act, 1878, concerning borrowing by sanitary authorities, and the making of loans by the Commissioners of Public Works, shall apply to the Conservancy Board.

Borrowing powers for emergency in maintenance.

21. Every scheme and final award imposing a charge under this Act, with proper schedules, map, or plan describing the lands to which such final award relates, shall be enrolled in the Consolidated Record and Writ Office of the High Court, and when so enrolled shall be binding and conclusive on all parties, and a copy thereof certified by the proper officer of the said Office shall be evidence that it was duly made, and that all the requisitions of the law in relation thereto were complied with; and the Commission shall within *one month* after the scheme or final award is settled cause the same to be printed and kept for public sale at a price not exceeding *two shillings and sixpence* for each copy.

Enrolment of award.

22. The amount charged on any security in pursuance of this Act shall include interest on the sum actually advanced, at the rate of *three and a quarter* per cent. per annum from the actual date of the advance to the date of the commencement of the annuity payable in respect of that amount; and the annuity shall be of such amount as may be necessary for that purpose.

Interest from date of advance to commencement of annuity.

23. The Lands Clauses Acts shall be incorporated with this Act so far as the same may be applicable to and are not inconsistent with or modified by the provisions of this Act.

Regulations as to purchase of land.

A.D. 1868.

If no agreement is come to as to the amount of any purchase money or compensation to be paid by the Commission or Conservancy Board to any person, the amount thereof shall be settled by arbitration in manner provided in sections twenty-five to thirty-seven (both inclusive), of the Lands Clauses Consolidation Act, 1845, and not otherwise.

Power to enter upon and purchase land, and execute works.

24. The Commission and the Conservancy Board may, for the purposes of this Act, respectively from time to time purchase and acquire any lands within the catchment area, and employ such contractors, surveyors, agents, and workmen as they think fit, and by themselves and their contractors, surveyors, agents, and workmen, enter upon any land and proceed with any works upon such land which they are authorised to execute, and do all things upon and affecting any land which are necessary or proper for the execution of those works, and for the accommodation of lands adjoining those works, making compensation to all persons for any loss or injury occasioned to them by the exercise of such powers.

Except with reference to the lands shown in the deposited plans and book of reference, or with reference to lands which they may be authorised to take by virtue of a provisional order under this Act, the Commission shall not exercise the power of taking land otherwise than by agreement. The Conservancy Board shall not have power to take land otherwise than by agreement.

Incorporation of certain provisions of 8 & 9 Vict. c. 20.

25. For the purpose of any works authorised by this Act, the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, shall be incorporated with this Act so far as such provisions may be applicable, and are not inconsistent with any of the provisions of this Act. In the construction of this Act and the said incorporated provisions, and the incorporated provisions of the Lands Clauses Acts, this Act shall be deemed to be the special Act, and the said works shall be deemed to be the railway, and the Commission or the Conservancy Board shall be deemed to be the company;

Provided that the amount of any purchase money or compensation payable by the Commission in pursuance of any of the said provisions shall be ascertained in manner provided in this Act in the case of purchase money or compensation payable by the Commission in respect of any lands required by them for or injuriously affected by any works authorised by this Act. When the works become vested in the Conservancy Board, this section

shall apply to the Conservancy Board and to works of maintenance, as fully as it applies to the Commission and to works of construction.

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26. The provisions of the Commissioners Clauses Act, 1847, with respect to—

Certain provisions of 10 & 11 Vict. c. 16, incorporated, [26 & 27 Vict. c. 78, s. 17.]

- 5 (1.) The contracts to be entered into and the deeds to be executed by the Commissioners; and
- (2.) The liabilities of the Commissioners, and legal proceedings by or against the Commissioners; and
- (3.) The appointment and accountability of the officers of the
- 10 Commissioners; and
- (4.) The giving of notices and orders,

shall be incorporated with this Act; and in the construction of this Act and the said incorporated provisions this Act shall be the "Special Act," and the Commission, and after the works become

15 vested in the Conservancy Board, that Board shall be "the Commissioners." The actual travelling expenses and an allowance not exceeding *fifteen shillings* a day for hotel expenses of members of the Conservancy Board incurred in attending meetings, after the works have become vested in them, may be defrayed by that Board

20 out of the moneys at their disposal under this Act.

27.—(1.) The accounts of the Commission and of the Conservancy Board shall be made up in such form and to such day in every year as may be appointed by the Local Government Board for Ireland.

Accounts and audit. 34 & 35 Vict. c. 109, 35 & 36 Vict. c. 69.

- (2.) The accounts shall be audited by such auditor of the accounts
- 25 relating to the relief of the poor as the Local Government Board may appoint for the purpose; the auditor shall with respect to the accounts of the Commission and Conservancy Board have the like powers and be subject to the like obligations in every respect as in the case of the audit under the Local Government (Ireland) Act, 1871, as
- 30 amended by the Local Government Board (Ireland) Act, 1872; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit. An auditor shall in respect of each audit under this Act be paid by the Commission and Conservancy Board respectively such remunera-
- 35 tion and such sum for travelling expenses as the Local Government Board may determine to be reasonable.

(3.) The Commission shall prepare and publish an annual report of their proceedings in carrying this Act into effect at such time in each year as the Lord Lieutenant may appoint.

- 40 28. if after being authorised to proceed with the proposed works in accordance with the deposited plans the Commission desire

Variation of works authorised

A.D. 1888.

by means of
provisional
order.Taking of
additional
lands.

to abandon any part of such proposed works, or to add to them or vary them, or to take otherwise than by agreement lands other than or in addition to those shown on the deposited plans, they may by petition make application to the Lord Lieutenant in Council for an Order in Council authorising them to do any of the 5 things aforesaid.

With respect to Orders in Council authorised to be made by the Lord Lieutenant under this Act, the following provisions shall apply :

- (1.) The Lord Lieutenant shall not make any Order in Council 10 under this Act unless public notice of the purport of the proposed Order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such Order relates.
- (2.) Before making any such Order in Council, the Lord Lieu- 15 tenant and Privy Council shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which 20 all persons interested shall be permitted to attend and make objections.
- (3.) When an Order in Council, authorising the Commission to take any land otherwise than by agreement, is made, it shall be published in the district to which it relates in 25 such manner as the Lord Lieutenant and Privy Council may direct; and if any owner or occupier of land authorised to be taken otherwise than by agreement presents a petition to the Lord Lieutenant in Council within a period to be prescribed by general rules against such Order, the Lord Lieutenant may 30 submit such Order to Parliament for confirmation; and any such Order against which such petition as aforesaid is presented shall be of no force whatever unless and until it is confirmed by Parliament. If no such petition is presented within the prescribed time, such Order, also any Order in Council under 35 this section not authorising land to be taken otherwise than by agreement, shall become absolute, and shall be of the same effect as if it had been confirmed by Parliament.
- (4.) Any Act confirming any provisional order made in pursuance of this Act, and any Order in Council not requiring confirma- 40 tion by Parliament made in pursuance of this Act, may be repealed, altered, or amended by a subsequent Order in Council

made and confirmed, if it requires confirmation, in accordance with the provisions of this section. A.D. 1888.

(5.) The fourth, sixth, seventh, and eighth subsections of section 41 & 42 Vict. c. 82.

1878, concerning the procedure relative to provisional orders shall apply to Orders in Council under this section with the substitution of the Lord Lieutenant in Council for the Local Government Board.

(6.) The costs of all parties of and incident to an application for an Order in Council shall be in the discretion of the Lord Lieutenant in Council, and an order respecting costs shall be enforceable as if it were an order of the Chancery Division of the High Court.

The Lord Lieutenant in Council may from time to time make such general rules as may seem fit for regulating the procedure as to Orders in Council, and with respect to fees and the taxation and payment of costs for the purposes of this section.

29. If an Order in Council authorises any change in or abandonment of any of the works proposed in the deposited plans, the Order may make such amendments in the scheme of the Commission relating to the cost of such works as may be right. Provisional order may vary scheme.

30. The Commission or the Conservancy Board after the works have become vested in that Board, may from time to time by order empower the occupier of any land within the catchment area to construct, or to clean or improve, any drain in, through, across, or under any land whatsoever for the purpose of connecting the field drainage of the land of such occupier with any watercourse under the control of the Commission or Conservancy Board respectively. Such order shall be a sufficient authority to any person named therein, his agents and workmen, at all reasonable times to enter upon any land, and to do any works specified in the order, and to do all things necessary for that purpose, making reasonable compensation for any damage done by him or them, and also for the privilege aforesaid. And if any difference arise as to the amount to be paid for compensation, it shall be settled by the Commission or Conservancy Board respectively, and their award shall be final. Power to authorise occupiers to construct drains.

31.—(1.) The Commission may, with the previous consent of the Lord Lieutenant, take down and remove or alter any bridge, the alteration or removal of which is necessary or desirable for carrying into effect the purposes of this Act, and the Commission shall (when in the opinion of the Lord Lieutenant it Removal and rebuilding of bridges.

A.D. 1888.

is necessary) construct a temporary bridge in place thereof, and support and maintain the same until the completion of the works necessary for the restoration to public use of the said bridge.

(2.) Where an existing bridge is taken down and removed, the Commission shall construct a new bridge with the necessary roads of approach thereto, according to such plan, specification, and estimate as may be approved by the Lord Lieutenant.

(3.) If the removal or alteration of a bridge was in the opinion of the Lord Lieutenant rendered necessary by reason of its having been originally improperly constructed, or subsequently altered, so as to be an impediment to the natural discharge of the water, having reference to the state of the river or stream in its unimproved condition, or if it was in the opinion of the Lord Lieutenant in a ruinous or insecure condition, the expense of the alteration or removal and rebuilding thereof in pursuance of this section shall be charged on the county cess of the county in which the bridge is situate, and shall be paid to the Commission, and the certificate of the Commission shall be conclusive evidence of the amount of that expense:

Provided that where any bridge so rebuilt or altered is over a watercourse forming a boundary between two counties, the expense, if chargeable to county cess, shall be payable by the said counties in equal moieties.

Power to
make bye-
laws.

32. The Commission, or, after the works have become vested in them, the Conservancy Board, may from time to time make, alter, and repeal byelaws—

- (a) for prohibiting persons from throwing, or causing or suffering to fall or pass into any watercourse in respect of which any works have been commenced or executed, or are maintained by the Commission or Board, any weeds, stones, soil, or other solid matter calculated to cause an obstruction therein, or placing or permitting to remain any mill dam, navigation weir, fish weir, eel weir, or other obstruction in any such watercourse without the consent of the Board; and
- (b) for prohibiting persons from injuring or permitting to be injured any embankment or other work which has been commenced or executed or is maintained by the Commission or Board; and
- (c) for requiring marks to be affixed on sluices or other works, and for prohibiting persons from defacing, removing, or injuring marks placed by authority of the Board on any sluice or other work, and from defacing, removing or injuring any notice of the Commission or Board; and

(d) for regulating in conformity with marks affixed as aforesaid the opening and closing of flood gates, hatches, and sluices within the contributory area in time of flood or apprehended flood; A.D. 1888.

- 5 (e) for prohibiting persons from injuring or removing any pags, poles, or other marks placed by authority of the Board for the measurement of any works authorised by this Act, or for any other purpose connected with such works.

Sections two hundred and nineteen to two hundred and twenty-three (both included) of the Public Health (Ireland) Act, 1878, shall
10 apply to byelaws made by the Board under this Act, with the substitution of the Commission or the Conservancy Board for a sanitary authority under that Act, and of the Commissioners of Public Works for the Local Government Board.

Penalties imposed by byelaws made under this section may be
15 recovered in a summary manner.

33. Any person who wilfully obstructs any person acting under the authority of the Commission or the Conservancy Board in the lawful exercise of any powers vested in the Commission or the Board for the purposes of this Act, shall for each offence be liable
20 to a penalty not exceeding *ten pounds*, to be recovered in a summary manner. Penalty for obstructing Commission or Board.

34.—(1.) An action, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default
25 in the execution of this Act, shall not lie or be instituted unless it is commenced within *twelve* months next after the act or thing is done or omitted, or, in case of a continuance of injury or damage, within *twelve* months next after the ceasing thereof. Protection of persons acting under Act.

(2.) In any such action tender of amends before the action was
30 commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred
35 after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs or any injunction in the action.

35. A justice shall not be disqualified from acting in any case
40 arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common Removal of disqualification of justices.

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D.

A.D. 1888.

with the others to contribute to, or be benefited by, any rate or payment or fund out of which any expenses of carrying this Act into effect are to be defrayed.

Saving of
existing
liabilities to
repair.

36. Subject to the provisions of this Act, the liability of any person to defray or contribute towards the expense of making, completing, 5 altering, repairing, or maintaining any sewer or drain or any walls or works for protecting any land against the force or encroachments of any river, or doing any other work within the catchment area, and to repay any money advanced for any of those purposes, shall continue, and the same may be enforced according to law. 10

Transfer of
maintenance
of navigation
from Barrow
Navigation
Company to
Conservancy
Board.

37.—(1.) All powers conferred by charter or otherwise upon the Barrow Navigation Company for the control and management of the River Barrow and of the navigation thereof between Athy and Clogrenan Castle below Carlow shall cease :

Provided that nothing in this Act shall affect the powers of the 15 said Company with reference to the conveyance of traffic on the said river, and to the receipt of tolls in respect of the navigation thereof and conveyance of traffic thereon.

(2.) It shall be the duty of the Commission, and, after the works have become vested in them, of the Conservancy Board to maintain a 20 navigable channel in the River Barrow between the said limits, that is to say, from Athy to Clogrenan Castle below Carlow, with a depth of not less than four feet in all parts of the river where the depth at the time of the passing of this Act is not less than four feet; and in other parts, with a depth not less than that existing at the 25 passing of this Act; for that purpose the Commission or Conservancy Board shall have the like powers of executing and maintaining works, making and enforcing byelaws, and otherwise, upon and in relation to the said river below Carlow as far as Clogrenan Castle as they have for the other purposes of this Act; and all locks, weirs, sluices, 30 and other works of the Barrow Navigation Company for regulating the depth of water in the said river between the said limits shall be transferred to and vested as first in the Commission, and, when the works become vested in the Conservancy Board, then in that Board, and be under their control. 35

Queen's
County.

(3.) The Barrow Navigation Company shall pay annually to the Commission, and when the works become vested in the Conservancy Board, to that Board such sum as they and the Commission may agree to be equal to the average annual cost incurred by the said 40 Company, during the *ten* years next preceding the passing of this Act, in maintaining and regulating the river and navigation, and the said locks, weirs, and sluices between the said limits; and failing

agreement within six months after the passing of this Act, the amount to be paid by the said Company shall be such as the Lord Lieutenant, on the application of the Commission, may by order determine. The said annual sum shall from time to time be paid
5 by the said Company to the Commission or Board at such times as may be agreed on, or as the Lord Lieutenant may by order appoint.

A.D. 1889.

This section shall come into operation on a day to be agreed on between the Company and the Commission; and failing agreement, on a day to be appointed by the Lord Lieutenant.

- 10 38. The embankment shown on the deposited plans as Embankment No. 36 shall, notwithstanding the termination thereof shown on the said plans, terminate in the townland of Mill Land and parish of Curracloe, in Queen's County, on the northern side of the eastern approach road to the Ballykilsavan or Garrans Bridge, at a
15 point twenty yards or thereabouts, measured from the centre of that bridge in a field occupied by John H. Dimond, and owned, or reputed to be owned, by the trustees of Sir Allen Walsh and Sir Allen Walsh. The embankment shown on the said plans as Embankment No. 38 shall, notwithstanding the termination thereof shown on the
20 said plans, terminate in the townland of Garrans and parish of Curracloe, in Queen's County, on the northern side of the western approach road to the Ballykilsavan or Garrans Bridge, at a point forty yards or thereabouts, measured from the centre of that bridge, in a field occupied by George Williams, and owned, or reputed
25 to be owned, by the trustees of Sir Allen Walsh and Sir Allen Walsh. The embankments 36A, 37, 38A, 39, 40, 41, 42, and 43, shall be omitted from the embankments proposed under this Act, notwithstanding that they are shown on the deposited plans.

Cancellation of certain proposed work in Queen's County.

- 30 39. Any corporation or drainage board exercising powers under any Act of Parliament or Provisional Order made before the passing of this Act with reference to the arterial drainage of lands in any part of the catchment area of the River Barrow shall be dissolved; and all property, choses in action, powers, rights, and privileges of any such corporation or board shall be transferred to and shall
35 at first vest in and be exercisable by the Commission, and, when the works become vested in the Conservancy Board, shall vest in and be exercised by that Board.

Dissolution of existing authorities and transfer of property, &c., to Board.

- The Commission or Conservancy Board may carry on, or commence and maintain, in their own name any action or proceeding which
40 such dissolved corporation or board might have carried on, commenced, or maintained.

A.D. 1888. All moneys, stocks, and securities standing in the name of any such dissolved corporation or board in the books of any bank shall be transferred to the Commission.

All records and documents of such dissolved corporation or board shall be transferred to the Commission. 5

All contracts of hiring or employment made by such dissolved corporation or board shall be deemed to be rescinded.

All debts or liabilities of the dissolved corporation or board incurred before the passing of this Act shall be discharged by the Commission. Any such debts or liabilities incurred after the 10 passing of this Act shall be discharged by the Commission if they were necessarily and properly incurred for any work of maintenance or for the preservation of rights or property.

The cost of maintenance and repair of drainage works executed by any such corporation or board may be defrayed by the Commission 15 or Board in the same manner as if they had been works executed under this Act.

Proprietors of land situated in a drainage district constituted under the Drainage and Improvement of Land (Ireland) Act, 1863, who are liable to pay maintenance charges to the drainage board of 20 the district, shall continue to be liable to pay the like charges to the Commission or, after the works become vested in the Conservancy Board, to that Board; provided that they shall not be required to pay more than the sum actually expended for maintenance of such works, nor more than the average charge which they were liable to 25 pay on the average of the five years preceding the passing of this Act.

This section shall come into operation when the Barrow Conservancy Board is duly constituted and has resolved that the Commission may undertake the works authorised by or under this 30 Act.

Statute of
Conservancy
Board, as in
schedule.

40. The provisions concerning the Conservancy Board, contained in the schedule to this Act, shall have the same effect as if they were enacted in the Act.

Definitions.

41. In this Act, unless the context otherwise requires, the 35 following expressions shall have the meanings hereby assigned to them:

The expression "the Lord Lieutenant" includes the Lords Justices or any other Chief Governor or Governors of Ireland for the time being:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury: 40

The expression "the Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; and the Railways Act (Ireland), 1864:

A.D. 1868.
 8 & 9 Vict.
 c. 12.
 23 & 24 Vict.
 c. 124.
 14 & 15 Vict.
 c. 73.
 22 & 24 Vict.
 c. 97.
 27 & 28 Vict.
 c. 71.

The expression "lands" has the meaning attached thereto in the Lands Clauses Acts, and includes any estate or interest in land, and also any right of water, right of fishing, right of way, or easement:

- 10 The expression "watercourse" includes any river, stream, drain, sewer, or passage through which water flows:

The expression "bridge" includes culvert and archway:

The expression "person" includes a body of persons, corporate or not corporate.

A.D. 1888

SCHEDULE.

REGULATIONS FOR BOARD.

1. The following provisions shall apply to the Barrow Conservancy Board :

2. Subject to the provisions of this Act concerning the first members of the Conservancy Board, a conservator shall hold office for six years, and on the 5 day prescribed by the Commission shall retire, and his place shall be taken by a conservator appointed or elected in like manner as aforesaid. This provision shall not apply to the member appointed by the Lord Lieutenant, who shall hold office upon such terms as the Lord Lieutenant may direct.

3. Every conservator going out of office shall, if qualified, be re-eligible ; 10 and if at any time when an election ought to take place the places of any retiring conservators are not filled up, the Lord Lieutenant may appoint any qualified persons to fill those places.

4. Any casual vacancy occurring in the Conservancy Board may be filled up by the Board ; but any person so chosen shall retain his office so long only 15 as the vacating conservator would have retained the same if the vacancy had not occurred. This provision shall not apply to the member of the Board appointed by the Lord Lieutenant.

5. An act or proceeding of the Conservancy Board shall not be questioned on account of any vacancy or vacancies in their body. 20

6. Any person who acts as member of the Conservancy Board without being qualified shall be liable to a fine not exceeding fifty pounds ; and in any proceeding for the recovery of such fine the burden of proving qualification shall be upon the person against whom such proceeding is taken.

7. After the works have become vested in the Conservancy Board, the Conservancy Board may transact the business committed to them by this Act by means of one or more standing committees, consisting of such member or 25 members of their body as they think fit ; and any committee so formed shall in the exercise of the powers delegated, conform to any regulations that may be imposed on them by the Board.

8. All acts done by any meeting of the Conservancy Board, or by any 30 committee thereof, or by any person acting as a member thereof, shall, notwithstanding that it may be afterwards discovered that there was some defect in the constitution of the Board or committee, or in the appointment or election of the person acting as aforesaid, or that they or any of them were or 35 was disqualified, be as valid as if every such person had been duly appointed or elected, and was qualified to be a member.

9. The proceedings of the Board and of committees thereof shall be conducted in accordance with the rules made by the Commission.

Barrow Drainage.

B I L L

For the Improvement of the Drainage
of Lands and for the Prevention of
Inundations within the catchment
area of the River Barrow, and for
other purposes relating thereto.

*(Prepared and brought in by
Mr. Arthur Balfour and Mr. Webster Stewart
for Ireland.)*

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